

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 30TH DAY OF AUGUST, 2001

Original Application No. 39 of 2001 (U)

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Gopal dutt, Son of Shri Pitamber Dutt
R/o gram Mokhanpur, district
Dehradun.

... Applicant

(By Adv: Shri K.C.Sinha)

Versus

1. Union of India through
Secretary to govt. of India
Ministry of Science and
Technology, technology
Bhavan, New Mehrauli Road,
New Delhi.
2. Surveyor General India,
Survey of India,
Hathibarkala, Dehradun.

... Respondents

(By Adv: Shri R.C.Joshi)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has expressed his grievance against the order dated 16.3.2001 by which his representation dated 16.2.2001 has been decided and it has been observed that the post of Fitter Fire engine is an isolated post hence promotion has been given in ACP Scheme and is upgraded from the scale of 3050-4590 to 3200-85-4900 and second upgradation has been given in the scale of 4000-100-6000. The learned counsel for the applicant has submitted that in fact applicant was

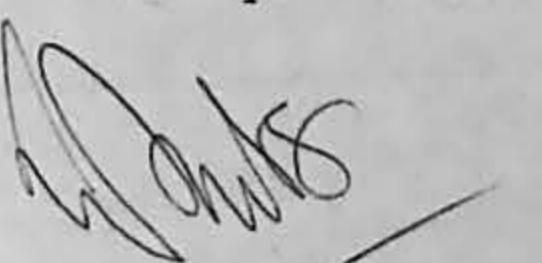
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entitled for first financial upgradation to 4000-6000 and second financial upgradation to the scale of 4500-7000. No such claim was raised in the representation. The learned counsel for the applicant has also invited our attention that pay scale of Fitter Fire engine was higher than drivers in III Pay Commission and IVth pay Commission. The duties and responsibilities are also more ~~onorous~~ ^{onorous} ~~honorous~~ than driver. After hearing counsel for the applicant at length we are of the view that matter has not been placed before the authorities in the manner it has been placed before this Tribunal. On the facts stated above the Departmental authorities may think it an appropriate case for referring it to the Anomalies Committee. Further there is no detailed examination about the appropriate scale applicable to applicant under ACP scheme at two stages.

Considering the aforesaid aspect we are of the view that liberty may be given to the applicant to make a fresh and detailed representation before the Departmental authorities which shall be considered and decided in accordance with law by a reasoned order within three months. If on examination of the facts it appears to be a case worth referring to the Anomalies Committee, it may be referred to the said Committee for removal of the ambiguity if any and hardship to the applicant.

Subject to the aforesaid observation and direction the OA is disposed of finally. There will be no order as to costs.


MEMBER (A)


VICE CHAIRMAN

Dated: 30.8.2001

Uv/